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1 2	BEFORE THE FEDERAL E	LECTION COMMISSION
3	in the Matter of	2010 JUN 22 A 10: 20
4)	
5 6	MUR 6283 MANFRED SCHREYER COMMITTEE) CASE CLOSURE UNDER THE) ENFORCEMENT PRIORITY SYSTEM
7	AND JANE E. SCHEYER, AS TREASURER)	
8	MANFRED R. SCHREYER	
9 0		SENSITIV
ì	GENERAL COUN	SEL'S REPORT
2	Under the Enforcement Priority System.	matters that are low-rated
3		are
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4	forwarded to the Commission with a recommend	lation for dismissal. The Commission has
5	determined that pursuing low-rated matters, com	pared to other higher-rated matters on the
6	Enforcement docket, warrants the exercise of its	prosecutorial discretion to dismiss these
7	cases. The Office of General Counsel scored Mi	UR 6283 as a low-rated matter.
8	In this matter, the complainant, Gary A. I	Nasal, alleges that the Manfred Schreyer
9	Committee and Jane E. Schreyer, in her official	capacity as treasurer ("the Committee"), as
20	well as candidate Manfred R. Schreyer' ("respon	ndents") violated 2 U.S.C. § 441d by including
!1	defective disclaimers on a television advertiseme	ent distributed by the respondents.
2	Specifically, the complainant asserts that a Schre	eyer campaign advertisement which was
23	broadcast at least six times on a local cable telev	rision network omitted an "audible, verbal
24	disclaimer" by Mr. Schreyer stating that he had	approved the communication, as required by
!5	2 U.S.C. § 441d(d) and 11 C.F.R. § 110.11(c).	In addition, the complainant states that the
26	Committee, which registered with the Commissi	ion by filing its Statement of Organization on

RECEIVED EDERAL ELECTION COMMISSION

Mr. Schreyer was a candidate for the Republican nomination for Congress from Ohio's Eighth Congressional District. He was defeated in the primary on May 4, 2010.

MUR 6283 EPS Closure Report Page 2

- 1 February 3. 2010, subsequently failed to file a 2010 April Quarterly Report. Appended to the
- 2 complaint, without explanation, is what may be a statement of expenses addressed to
- 3 Mr. Schreyer from "CrossRoads Media LLC." The document purports to show that
- 4 Mr. Schreyer spent \$8,949 on "cable television" between "4/20-5/2" (the relevant year is
- 5 omitted) and may be intended to demonstrate that the campaign had expended more than
- 6 \$5,000 during the time period, thus potentially triggering "candidate" status for Mr. Schreyer
- 7 and reporting obligations for the Committee, respectively, pursuant to 2 U.S.C. §§ 431(2) and
- 8 434.

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- Respondents Manfred Schreyer and Jane Schreyer, the Committee's treasurer and the candidate's wife, assert that the television advertisement at issue included Mr. Schreyer's voice promoting his candidacy, and that it was therefore logical to assume that he had approved the advertisement. The response further states that the campaign, a "small, grassroots" operation, put together "home-made" television advertisements that were only thirty seconds long. Although, according to the response, the advertisements included written disclaimers, the respondents maintain that an "approval" statement by Mr. Schreyer would have consumed a relatively large proportion of the available time.
- With respect to the Committee's 2010 April Quarterly Report, the response states that the Committee's 2010 Pre-Primary Report was filed with the Commission on May 4, 2010, the date of Mr. Schreyer's primary election, shortly after the campaign had "raised and/or spent" \$5.000.
- Based on the complaint and response, it appears that the television advertisement
 lacked the requisite statement of approval by Mr. Schreyer. In addition, upon reviewing the
 Committee's 2010 Pre-Primary Report, while the Committee reports raising only \$2,573.00 in

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MUR 6283 EPS Closure Report Page 3

- contributions and making \$1,199.07 in expenditures during Mr. Schreyer's campaign, the
- 2 report discloses that Mr. Schreyer loaned his campaign \$7,606.65 on April 14, 2010 which, in
- 3 turn, triggered the Committee's reporting requirements.² Thus, the Committee's Pre-Primary
- 4 Report, which should have been filed twelve days before Ohio's May 4th primary election, or
- 5 by April 22, 2010, was untimely.

6 Given the low level of activity and the technical nature of the alleged violation and in

7 furtherance of the Commission's priorities and resources, relative to other matters pending on

the Enforcement docket, the Office of General Counsel believes that the Commission should

exercise its prosecutorial discretion and dismiss this matter. See Heckler v. Chaney, 470 U.S.

10 821 (1985). Additionally, this Office intends on reminding Manfred R. Schreyer and the

Manfred Schreyer Committee and Jane E. Schreyer, in her official capacity as treasurer, of the

12 Act's requirements concerning the use of appropriate disclaimers on campaign television

advertisements and reminding the Committee of the timely filing requirement of financial

14 disclosure reports.

RECOMMENDATIONS

The Office of General Counsel recommends that the Commission dismiss MUR 6283,

17 close the file, and approve the appropriate letters. Additionally, this Office recommends

18 reminding Manfred R. Schreyer and the Manfred Schreyer Committee and Jane E. Schreyer, in

² For purposes of assessing the Committee's filing requirements, we have not utilized the apparent statement of expenses attached to the complaint which, in addition to lacking a complete date, is not necessarily associated with the campaign. In fact, we note that one of the "DMAs" (possibly, "designated media areas") identified on the statement is Cincinnati. Ohio, which is in Ohio's First Congressional District, not the Eighth, which Mr. Schreyer had sought to represent.

MUR 6283 EPS Closure Report Page 4

- I her official capacity as treasurer, of the Act's requirements concerning the use of appropriate
- 2 disclaimers on campaign television advertisements and reminding the Committee of the timely
- 3 filing requirement of financial disclosure reports.

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May 4, 2010

BY REGISTERED/CERTIFIED MAIL RETURN RECEIPT REQUESTED

FEDERAL ELECTION COMMISSION 999 E Street, NW Washington, DC 20463

Re: Manfred Schreyer Committee FEC ID # C00475087

Dear Sir/Madam:

I have enclosed completed PEC Form 3 for period 01-15-2010 through 04-14-2010.

Thank you.

JANE E. SCHREYER

JES/mt Enclosure

Attachment Pege of ______ of _____

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	For further information contact:	
	Federal Election Commission 909 E Street, NW Washington, DC 20463	
	Toli Free 800-424-9530 Local 202-894-1100	
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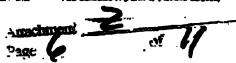
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